

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

IN RE: AMERANTH  
CASES,

CASE NOS.

11cv1810 DMS (WVG)	12cv1643 DMS (WVG)
12cv0729 DMS (WVG)	12cv1644 DMS (WVG)
12cv0731 DMS (WVG)	12cv1646 DMS (WVG)
12cv0732 DMS (WVG)	12cv1648 DMS (WVG)
12cv0733 DMS (WVG)	12cv1649 DMS (WVG)
12cv0737 DMS (WVG)	12cv1650 DMS (WVG)
12cv0739 DMS (WVG)	12cv1651 DMS (WVG)
12cv0742 DMS (WVG)	17cv1093 DMS (WVG)
12cv0858 DMS (WVG)	12cv1653 DMS (WVG)
12cv1627 DMS (WVG)	12cv1654 DMS (WVG)
12cv1629 DMS (WVG)	12cv1655 DMS (WVG)
12cv1630 DMS (WVG)	12cv1656 DMS (WVG)
12cv1631 DMS (WVG)	13cv0350 DMS (WVG)
12cv1633 DMS (WVG)	13cv0352 DMS (WVG)
12cv1634 DMS (WVG)	13cv0353 DMS (WVG)
12cv1636 DMS (WVG)	13cv1072 DMS (WVG)
12cv1640 DMS (WVG)	14cv1303 DMS (WVG)
12cv1642 DMS (WVG)	12cv2350 DMS (WVG)

**CASE MANAGEMENT CONFERENCE ORDER  
REGULATING DISCOVERY AND OTHER  
PRETRIAL PROCEEDINGS  
(MISCELLANEOUS DEFENDANTS)**

On December 11, 2017, the Court held a case management conference with counsel for the parties in these consolidated cases. After consulting with counsel and being advised of the status of the case, and good cause appearing, **IT IS HEREBY ORDERED:**

1 1. As to the Miscellaneous Defendants, the following schedule shall apply:

2 a. All discovery, fact and expert, shall be completed on or before **August 13,**  
3 **2019.** "Completed" means that all discovery under Rules 30-36 of the Federal Rules  
4 of Civil Procedure, and discovery subpoenas under Rule 45, must be initiated a  
5 sufficient period of time in advance of the cut-off date, so that it may be completed by  
6 the cut-off date, taking into account the times for service, notice, and response as set  
7 forth in the Federal Rules of Civil Procedure, and any motions and the resolution of any  
8 discovery disputes. All disputes concerning discovery shall be brought to the attention  
9 of the Magistrate Judge no later than thirty (30) days following the date upon which the  
10 event giving rise to the discovery dispute occurred. Counsel shall meet and confer  
11 pursuant to the requirements of Fed. R. Civ. P. 26 and Local Rule 26.1(a).

12 b. On or before **May 13, 2019**, all parties shall exchange with all other parties  
13 a list of all expert witnesses expected to be called at trial. The list shall include the  
14 name, address, and telephone number of the expert and a brief statement identifying the  
15 subject areas as to which the expert is expected to testify. The list shall also include the  
16 normal rates the expert charges for deposition and trial testimony. On or before **May**  
17 **27, 2019**, any party may supplement its designation in response to any other party's  
18 designation so long as that party has not previously retained an expert to testify on that  
19 subject.

20 c. Each expert witness designated by a party shall prepare a written report to  
21 be provided to all other parties **no later than June 27, 2019**, containing the information  
22 required by Fed. R. Civ. P. 26(a)(2)(A) and (B). **Except as provided in paragraph 17**  
23 **below, any party that fails to make these disclosures shall not, absent substantial**  
24 **justification, be permitted to use evidence or testimony not disclosed at any**  
25 **hearing or at the time of trial. In addition, the Court may impose sanctions as**  
26 **permitted by Fed. R. Civ. P. 37.**

27 d. Any party, through any expert designated, shall in accordance with Fed.  
28 R. Civ. P. 26(a)(2)(D) and Fed. R. Civ. P. 26(e)(2), supplement any of its expert reports

1 regarding evidence intended solely to contradict or rebut evidence on the same subject  
2 matter identified in an expert report submitted by another party. Any such supplemental  
3 reports are due on or before **July 11, 2019**.

4 e. All other dispositive motions, including those addressing Daubert issues,  
5 shall be FILED on or before **August 30, 2019**. Please be advised that counsel for the  
6 moving party must obtain a motion hearing date from the law clerk of the judge who  
7 will hear the motion. Failure of counsel to timely request a motion date may result in  
8 the motion not being heard. Motions *in limine* are to be filed as directed below.

9 Briefs or memoranda in support of or in opposition to any pending motion shall  
10 not exceed twenty-five (25) pages in length without permission of the judge or  
11 magistrate judge who will hear the motion. No reply memorandum shall exceed ten  
12 (10) pages without leave of the judge or magistrate judge who will hear the motion. The  
13 Court encourages Defendants in this group to file consolidated motions, if possible.

14 f. In each individual case:

15 i. Counsel shall serve on each other and file with the Clerk of the  
16 Court their Memoranda of Contentions of Fact and Law in compliance with Local Rule  
17 16.1(f)(2) (and 16.1(f)(3), where applicable) on or before **October 4, 2019**.

18 ii. Counsel shall confer and take the action required by Local Rule  
19 16.1(f)(4) on or before **October 11, 2019**. At this meeting, counsel shall discuss and  
20 attempt to enter into stipulations and agreements resulting in simplification of the triable  
21 issues. Counsel shall exchange copies and/or display all exhibits other than those to be  
22 used for impeachment, lists of witnesses and their addresses including experts who will  
23 be called to testify, and written contentions of applicable facts and law. The exhibits  
24 shall be prepared in accordance with Local Rule 16.1(f)(2)(c). Counsel shall cooperate  
25 in the preparation of the proposed final pretrial conference order.

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27 iii. The proposed final pretrial conference order, including written  
28 objections, if any, to any party's Fed. R. Civ. P. 26(a)(3) pretrial disclosures, shall be

1 served on opposing counsel and lodged directly with chambers on or before **October**  
 2 **25, 2019**, and shall be in the form prescribed in and in compliance with Local Rule  
 3 16.1(f)(6). **In addition, the parties shall include in the proposed pretrial order a**  
 4 **statement to be read to the jury, not in excess of one page, of the nature of the case**  
 5 **and the claims and defenses.** Any objections to pretrial disclosures shall comply with  
 6 the requirements of Fed. R. Civ. P. 26(a)(3). Please be advised that the failure to file  
 7 written objections to a party's pretrial disclosures may result in the waiver of such  
 8 objections, with the exception of those made pursuant to Rules 402 (relevance) and 403  
 9 (prejudice, confusion or waste of time) of the Federal Rules of Evidence.

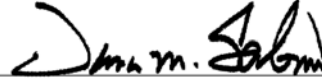
10           iv. The parties shall file and serve their motions *in limine* on or before  
 11 **November 8, 2019**. Each side shall be limited to five (5) motions, and each motion  
 12 shall be no more than five (5) pages. The parties are admonished, however, to meet and  
 13 confer to try and resolve their disputes before filing motions *in limine*. Oppositions to  
 14 motions *in limine* shall be filed on or before **November 15, 2019**. A hearing on the  
 15 parties' motions *in limine* shall be held on **November 22, 2019**, at 1:30 p.m.

16           v. The final pretrial conference is scheduled on the calendar of the  
 17 Honorable Dana M. Sabraw on **November 1, 2019**, at **10:30 a.m.** The first trial for this  
 18 group is scheduled to commence on **December 2, 2019**, at **9:00 a.m.** The remaining  
 19 Defendants in this group will proceed to trial on **January 6, 2020**, at **9:00 a.m.**  
 20 Counsel shall meet and confer as to the order in which the Defendants in this group  
 21 shall proceed to trial, and should be prepared to provide the Court with that order at the  
 22 pretrial conference. However, all remaining Defendants should be prepared to proceed  
 23 to trial on January 6, 2020, as each will be placed on a trailing status. Thus, if a  
 24 Defendant with trial priority settles, the next scheduled Defendant will be called. The  
 25 remaining trials will proceed until all are completed.

1 7. The dates and times set forth herein will not be modified except for good cause  
2 shown. **In the event any of the earlier groups of cases settle, however, the Court**  
3 **may modify and accelerate all dates set out herein, including the trial date.**

4 **IT IS SO ORDERED.**

5 DATED: December 14, 2017

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7 HON. DANA M. SABRAW  
8 United States District Judge  
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